

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC. 20554

<b>In the Matter of</b>	)	
	)	
<b>Request Changes in Retail</b>	)	<b>RM-10641</b>
<b>Point of Sales of All Over-the-</b>	)	
<b>Counter Two-way Voice or Data</b>	)	
<b>Equipment</b>	)	
	)	

**To: The Commission**

**COMMENTS of Nickolaus E. Leggett**  
**N3NL Amateur Radio Operator**

The following are comments from Nickolaus E. Leggett, an amateur radio operator (Extra Class licensee – call sign N3NL), inventor (U.S. Patents # 3,280,929 and 3,280,930 and one invention patent pending), and a certified electronics technician (ISCET and NARTE).

**The Petition**

The petitioner proposes regulations requiring retail vendors of amateur radio, citizens band (CB), family radio service (FRS), and other equipment keep files recording the identification of the individual purchasers of this equipment. In addition, the petitioner requests that owner identification tags be required on transmitters.

**Record Keeping Impacts on the Retail Industry**

If this petition were implemented as FCC rules it would impose additional burdens on the retail industry with no effective improvement in law enforcement. Keeping files on hundreds or thousands of customers for the proposed three-year period is not a minor task.

For many merchants, such as our local WalMart store, selling family radio service radios is just an incidental part of their daily business. If this record-keeping requirement is imposed on these merchants, they will probably stop selling FRS radios in order to avoid the need for the additional record keeping. Is that the goal we want to achieve?

For other merchants, such as Radio Shack stores, the two-way radios are a somewhat larger part of their trade. The record-keeping requirement will encourage them to reconsider carrying two-way radios in their product line. I am sure that the profit margins on two-way equipment are fairly modest compared to the profits generated by mainstream consumer devices such as televisions, audio equipment, and cell phones. The relative percentage of the store area devoted to this equipment certainly communicates the relative profitability of the products. Not much store space is allocated to two-way radio products.

Amateur radio retail stores are a declining industry in many parts of the country. Imposing new requirements on them will not help their financial future.

All of these impacts would not generate any improvement in law enforcement. Almost all of this two-way radio equipment is purchased using credit cards. Each credit card transaction has a full audit trail including a signature and address. Any merchant who thinks that a purchaser is doing something illegal is free to call the local police, FBI, or even the new Department of Homeland Security with his report. So there is nothing to be gained by the petitioner's proposed record-keeping requirement.

### **Transmitter Identity Tags**

The petitioner's suggestion that each transmitter have a tag identifying the owner does not add to law enforcement effectiveness. Such a tag filled out by the owner does not add any reliable information for law enforcement. Any criminals (or terrorists?) can simply fill in fraudulent information. Only the regular honest users would fill in correct information.

### **Recommended Action**

The FCC should deny this petition. It does not add to law enforcement effectiveness while at the same time it imposes additional burdens on businesses and individuals.

**Respectfully submitted,**

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